

Suffolk Superior Civil # 04-2439 BLS

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERK'S OFFICE

7/15/04 P 2:18

BABSON COLLEGE

DISTRICT COURT
DISTRICT OF MASS.

Plaintiff

Civil Action No.

vs.

PAUL D. REYNOLDS

04-11336 RCL

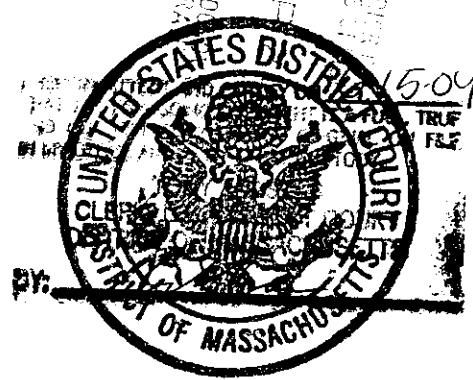
Defendant

and

JOHN AND JANE DOE(S)

Reach and

Apply Defendants



NOTICE OF REMOVAL

Pursuant to 28 U. S. C. §1441, defendant Paul D. Reynolds ("Reynolds") files this Notice of Removal and states:

1. Reynolds is the defendant in an action commenced against him by plaintiff in the Superior Court of the Commonwealth of Massachusetts for Suffolk County captioned Babson College v. Paul D. Reynolds and John and Jane Doe(s), Civil Action No. 04-2439-BLS2 (the "state action"). True copies of all process, pleadings and orders served on Reynolds in the state action are attached hereto as Exhibit A and specifically incorporated herein.

2. In its complaint, plaintiff Babson alleges that Reynolds's voluntary separation from Babson terminated his right to lawful possession of property, including confidential and proprietary information, relating to a certain Global Entrepreneurship Monitor (GEM) research project, that Reynolds possesses such property, and has thereby converted such property.

3. Plaintiff describes the nature of the action in the complaint as "theft of intellectual property" and identifies the GEM-related intellectual property allegedly owned by Babson as application software, the GEM marks and logo, data sets.

4. Reynolds was served with a summons and a copy of plaintiff's complaint on June 4, 2004. Consequently, this notice is timely under 28 U.S.C. §1446(b).

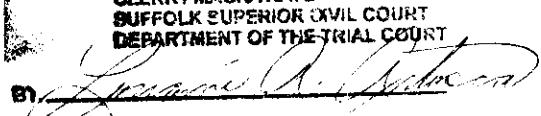
5. This action is one which this Court has jurisdiction pursuant to 28 U.S.C. §§1331 and 1338, and 28 U.S.C. §1391 and which may be removed to this court by Reynolds.

, HEREBY ATTEST AND CERTIFY ON

JUNE 16, 2004 THAT THE

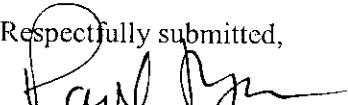
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT



ASSISTANT CLERK.

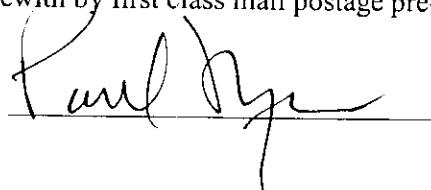
Respectfully submitted,


PAUL D. REYNOLDS
67 Gilson Road
Scituate, MA 02066
Defendant

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true copy of the foregoing document was served on counsel for plaintiff on even date herewith by first class mail postage prepaid and by fax.

Dated: 15 JUNE 2004



COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 04-2439-BLS

Babson College

PLAINTIFF(S)

v.

Paul D. Reynolds

DEFENDANT(S)

NOTICE OF APPEARANCE

Filed:

June 10, 2004

(Boston J.)

Place of Work
Ass't. Clerk

TO THE CLERK OF THE ABOVE NAMED COURT:

Please enter my appearance as attorney for

Paul D. Reynolds

in the above entitled action.

Dated: 10 June 2004

Bruce D. Jobse

Attorney for plaintiff - defendant

Address: Kudirka & Jobse
One State Street
Suite 800
Boston, MA 02109

Tel. No. (617) 367-4600

BBO Number 558,152

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE

BABSON COLLEGE) 2004 JUN 15 P 2:18
Plaintiff,) U.S. DISTRICT COURT
v.) DISTRICT OF MASS.
PAUL D. REYNOLDS AND JOHN) Civil Action No.
AND JANE DOE(S))
Defendants.) 04-11336 RCL
)

DEFENDANT'S SUPPLEMENTAL MOTION FOR TEMPORARY
RESTRANING ORDER

The Defendant, Paul D. Reynolds, ("Reynolds"), hereby moves that the Court enter one or more orders, as follows:

1. TEMPORARILY RESTRAINING and enjoining the plaintiff, Babson College, and each of its agents, servants, employees, representatives, and attorneys (collectively "Babson"), and all those persons in active concert or privity with Babson, from failing forthwith to comply with the following procedures pertaining to any e-mail accounts or hard copy paper files under the control of Babson, and any computer hardware or software in the possession or under the control of Babson:

A. Babson shall immediately identify all hard copy paper files, e-mail accounts and computers under its control that contain any communications concerning Defendant and/or the conduct or ongoing funding of the program Global Entrepreneurship Monitor ("GEM") or any similar program, said communications including without limitation, communications since at least May 1, 2003 between Babson and any representative, employee or agent of the London Business School, the Florida International University, the Kauffman Foundation, any source of actual or potential

funding of the GEM program or any similar program and any of the National teams that have ever participated in the GEM program.

B. For each computer or other storage medium under the control of Babson that contains the e-mail communications of Section A hereof, Babson shall not delete, remove or otherwise move any e-mails stored or contained in or on any such e-mail accounts and shall make one full-image copy onto a separate computer storage device and shall deliver such copy as soon as reasonably practicable to Defendant;

C. Defendant shall promptly review such full image copy and catalogue the same for purpose of identifying all "Personal Data," which for purposes hereof shall mean any information, correspondence and data that do not directly or indirectly concern or relate to Babson's communications referred to Section A hereof, and then Defendant shall make a second copy of such full image copy ('Second copy') that does not contain said Personal Data ('Second copy');

D. Babson may at reasonable times conduct its own review of the full image copy to determine what it regards as Personal Data and advise Defendant of same such that the parties may attempt to agree on which materials relate to Babson's communications referred to in Section A hereof;

E. The Second Copy will thereafter be maintained by Defendant and subjected to whatever review and analysis as it deems appropriate. Upon conclusion of the litigation, the Court shall make such order as shall be appropriate under the circumstances with respect to the disposition of the full image copy and any Second Copy, any and all reports and other analysis thereof.

F. For each hard copy paper file or files referred to in Section A hereof, Babson shall not destroy, delete or remove any papers, part or portion that comprise said files and shall allow Defendant to inspect all such files to determine the existence of all hard paper copies that contain information directly or indirectly related to said communications referred to in Section A; and upon completion of Defendant's

PENDING MOTIONS

1. DEFENDANT'S MOTION FOR TEMPORARY RESTRAINING ORDER AND MOTION FOR REPLEVIN filed June 10, 2004 in Massachusetts Superior Court, Civil Action No. 04-2439-BLS2

2. DEFENDANT'S SUPPLEMENTAL MOTION FOR TEMPORARY RESTRAINING ORDER filed June 15, 2004 herewith.

inspection, Plaintiff shall make and deliver to Defendant one full paper copy set of all papers and documents that Defendant identifies as pertaining directly or indirectly to all said communications.

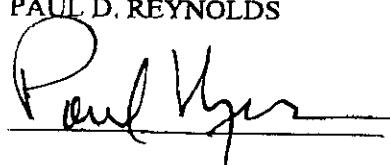
2. TEMPORARILY RESTRAINING and enjoining Babson from using or disclosing to any person or entity any of the information that Babson has heretofore copied from Defendant's laptop computer.

The foregoing motion is supported by the Declaration of Paul D. Reynolds which is filed concurrently herewith together with a proposed form of Order.

WHEREFORE, Reynolds prays that the within motion be ALLOWED.

PAUL D. REYNOLDS

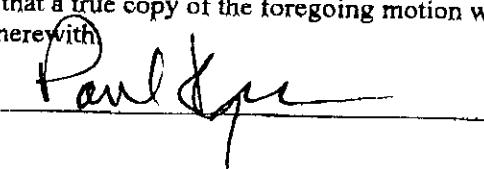
Dated: 15 JUNE 2004



CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true copy of the foregoing motion was served on counsel for Plaintiff on even date herewith

Dated: 15 JUNE 2004



JS 44 (Rev. 3/99)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Babson College

(b) County of Residence of First Listed Plaintiff Norfolk
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Seyfarth Shaw, LLP
World Trade Center East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028

DEFENDANTS

Paul D. Reynolds

2004 JUN 15 P 2:18

County of Residence of First Listed Plymouth
(IN U.S. PLAINTIFF CASES ONLY) MASS.NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

04-11336 RCL

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input checked="" type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES		
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> Judgment <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark		
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Torts Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 550 Mandamus & Other <input type="checkbox"/> 555 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inv. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395F) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g))	FEDERAL TAXSUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination/Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 (specify)	Transferred from another district	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

28 USC Sections 1331, 1338 Copyright infringement; trademark infringement

VII. REQUESTED IN CHECK IF THIS IS A CLASS ACTION DEMANDS CHECK YES only if demanded in complaint:
COMPLAINT: UNDER F.R.C.P. 23 JURY DEMAND: Yes NoVIII. RELATED CASE(S) (See instructions):
IF ANYJUDG
E

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

DATE
15 JUNE 2004

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS1. Title of case (name of first party on each side only) Babson College v. Paul D. Reynolds RECEIVED
CLERK'S OFFICE

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950.

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

*Also complete AO 120 or AO 211
for patent, trademark or copyright cases

04-11336 RCL

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO 7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).YES NO A. If yes, in which division do all of the non-governmental parties reside?Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Paul D. ReynoldsADDRESS 67 GILSON ROAD, SCITUATE, MA 02066TELEPHONE NO. 781-545-6379

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

SUCV2004-02439
Babson College v Reynolds

File Date	06/03/2004	Status	Disposed: transferred to other court (dtrans)
Status Date	06/15/2004	Session	BLS2 - CtRm 20
Origin	1	Case Type	BD1 - Intellectual property
Lead Case		Track	B

Service	Answer	Rule12/19/20
Rule 15	Discovery	Rule 56
Final PTC	Disposition	Jury Trial No

PARTIES

Plaintiff Babson College Active 06/03/2004	Private Counsel 075220 Robert B Carpenter Seyfarth Shaw 2 Seaport Lane Suite 300 World Trade Center East Boston, MA 02210-2028 Phone: 617-946-4800 Fax: 617-946-4801 Active 06/03/2004 Notify
Defendant Paul D Reynolds Service pending 06/03/2004	Private Counsel 378755 M Lawrence Oliverio Kudirka & Jobse One State Street Boston, MA 02109 Phone: 617-367-4600 Fax: Active 06/11/2004 Notify
	Private Counsel 558152 Bruce Jobse One State Street Suite 800 Boston, MA 02109 Phone: 617-367-4600 Active 06/15/2004 Notify

ENTRIES

Date	Paper	Text
06/03/2004	1.0	Complaint (Business) filed
06/03/2004		Origin 1, Type BD1, Track B.
06/03/2004	2.0	Civil action cover sheet filed
06/03/2004	3.0	Notice of acceptance into business litigation session
06/03/2004	4.0	Motion of plff for the appointment of Suvalle Jodrey & Associates as special process server and allowed (vanGestel J)
06/04/2004		Upon payment of \$90.00 to Clerk/Magistrate notice to show cause to issue returnable Thursday June 10, 2004 in room 20 at 9:00AM with TRO issued in order (Botsford J)

SUCV2004-02439
Babson College v Reynolds

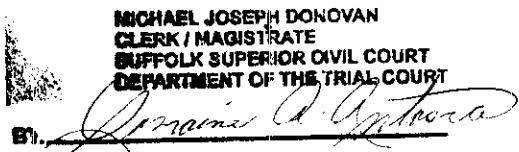
Date	Paper	Text
06/04/2004		Fee paid Summons order of notice and TRO issued
06/04/2004	5.0	ORDER re: TRO issued (Botsford J)
06/10/2004	6.0	INTERLOCUTORY ORDER On Preliminary Injunction (Margot Botsford, Justice)
06/15/2004		Certified copy of petition for removal to U. S. Dist. Court of Deft. Paul D. Reynolds U. S. Dist.#(04-11336RCL).
06/15/2004		Case REMOVED this date to US District Court of Massachusetts

EVENTS

Date	Session	Event	Result
06/10/2004	CtRm 20	Motion/Hearing: prel inj	Event held--Under Advisement
06/21/2004	CtRm 20	Motion/Hearing: prel inj continuation of TRO (REMOVED TO U.S. DISTRICT COURT)	Event canceled not re-scheduled

. HEREBY ATTEST AND CERTIFY ON

**JUNE 16, 2004, THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.**

**MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT**

ASSISTANT CLERK.